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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT TACOMA**

10 **RICK GREER,**

11 Plaintiff,

12 vs.

13 **PHILLIPS & COHEN ASSOCIATES,**  
14 **LTD.,**

15 Defendant.

) Case No.

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) **COMPLAINT AND JURY DEMAND**

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16 **NATURE OF ACTION**

17 1. This is an action brought pursuant to the Fair Debt Collection Practices Act  
18 (“FDCPA”), 15 U.S.C. § 1692 *et seq.*  
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20 **JURISDICTION AND VENUE**

21 2. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. §  
22 1331.

23 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), as the acts  
24 and transactions giving rise to Plaintiff’s action occurred in this district, Plaintiff resides in this  
25 district, and Defendant transacts business in this district.  
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**PARTIES**

4. Plaintiff Rick Greer (“Plaintiff”) is a natural person who at all relevant times resided in the State of Washington, County of Clark, and City of Vancouver.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. Defendant Phillips & Cohen Associates, Ltd. (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

**FACTUAL ALLEGATIONS**

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due, a creditor other than Defendant.

9. Plaintiff’s obligation, or alleged obligation, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes—namely, a U.S. Bank Visa credit card with account number ending in 2131 (the “Debt”).

10. Although the credit card was taken out in the name of a business that Plaintiff set up, Skys The Limit, LLC, Plaintiff never got the business up and running, and Plaintiff used the card only for personal purchases.

11. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due, another.

1           12. In connection with the collection of the Debt, Defendant placed a call to  
2 Plaintiff's cellular telephone on January 7, 2013 at 10:07 A.M., and at such time, left the  
3 following voicemail message:  
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5                   Rick, its Paul Nelson with Phillips & Cohen Associates. It's the  
6                   7th of January, Monday. My phone number is 866-282-5479.  
7                   My direct extension 2323. Rick, when you call in, provide  
8                   reference number 19028812.

9           13. In connection with the collection of the Debt, Defendant placed a call to  
10 Plaintiff's cellular telephone on January 8, 2013 at 6:11 P.M., and at such time, left the  
11 following message:

12                   Hi, this message is for Rick Greer. Rick Greer, my name is  
13                   Vincent Foster. It is important that I do speak with you. Reach  
14                   me at 866-504-9784. My extension is 1127 and when calling,  
15                   provide reference number 019028733. This is not a sales call;  
16                   again it is important that I do speak with you. Ask for myself,  
17                   Vincent Foster.

18           14. Defendant's January 7, 2013 and January 8, 2013 voicemail messages failed to  
19 notify Plaintiff that the communication was from a debt collector.

20           15. Further, Defendant failed to disclose its true corporate and/or business name in  
21 its January 8, 2013 voicemail message.

22           16. By failing to disclose that the communication was from a debt collector, in its  
23 January 7, 2013 and January 8, 2013 voicemail messages, and further, by failing to disclose its  
24 true corporate and/or business name in its January 8, 2013 voicemail message, Defendant failed  
25 to meaningfully disclose its identity to Plaintiff.

26                   **COUNT I**  
27                   **VIOLATION OF 15 U.S.C. § 1692d(6)**

28           17. Plaintiff repeats and re-alleges each and every factual allegation above.

1 18. Defendant violated 15 U.S.C. § 1692d(6) by placing telephone calls without  
2 meaningfully disclosing the caller's identity.

3 WHEREFORE, Plaintiff prays for relief and judgment, as follows:  
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- 5 a) Adjudging that Defendant violated 15 U.S.C. § 1692d(6);  
6 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A),  
7 in the amount of \$1,000.00;  
8 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);  
9 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action  
10 pursuant to 15 U.S.C. § 1692k(a)(3);  
11 e) Awarding Plaintiff pre-judgment and post-judgment interest as permissible by  
12 law; and  
13 f) Awarding such other and further relief as the Court may deem just and proper.  
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16 **COUNT II**  
**VIOLATION OF 15 U.S.C. § 1692e(11)**

17 19. Plaintiff repeats and re-alleges each and every factual allegation above.  
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19 20. Defendant violated 15 U.S.C. § 1692e(11) by failing to notify Plaintiff during  
20 each collection contact that the communication was from a debt collector.

21 WHEREFORE, Plaintiff prays for relief and judgment, as follows:  
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- 23 a) Adjudging that Defendant violated 15 U.S.C. § 1692e(11);  
24 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A),  
25 in the amount of \$1,000.00;  
26 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);  
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- 1 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action  
2 pursuant to 15 U.S.C. § 1692k(a)(3);  
3 e) Awarding Plaintiff pre-judgment and post-judgment interest as permissible by  
4 law; and  
5 f) Awarding such other and further relief as the Court may deem just and proper.  
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7 **TRIAL BY JURY**

8 21. Plaintiff is entitled to and hereby demands a trial by jury.  
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10 Dated: December 31, 2013

Respectfully submitted,

11  
12 s/Jon N. Robbins  
13 Jon N. Robbins WSBA#28991  
14 WEISBERG & MEYERS, LLC  
Attorney for Plaintiff  
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